3 (1) chief

IN THE HIGH COURT OF JUDICATURE AT BILASPUR.

(Writ Petition No. 735 of 2003.)

P. R. No. 335/03
Presented by Shri Pankaj Agrawal
dated 16.02.03

PETITIONER; Mirajuddin, aged about 38 years son of Shri Sirajuddin, resident of Durg, Shop-Keeper, Indira Market, Durg.

Versus

RESPONDENT:- 1. Municipal Corporation, Durg.

2. Commissioner, Municipal Corporation, Durg.

PETITION UNDER ARTICLES 226 and 227 OF THE CONSTITUTION OF INDIA

HIGH COURT OF JUDICATURE CHHATTISGARH: BILASPUR

Single Bench: Hon'ble Shri Satish K. Agnihotri, J.

W. P. No. 735 of 2003

Petitioner : Mirajuddin

Versus

Respondent : Municipal Corporation, Durg & another

Smt. Fouzia Mirza, Advocate for the petitioner.

Miss Sharmila Singhai, Advocate for the respondents.

O R D E R

(28th November, 2006)

1. The petitioner has filed this petition under Article 226/227 of the Constitution of India seeking a direction to the respondents to construct a shop on the place, the petitioner was working and allot the same to the petitioner.

2. The respondent/Corporation in its reply made a concession and submitted as under:-

> "12. REPLY AS TO PARA 5(d)
>
> ..... It is true that the offer was also made to the petitioner, but the petitioner has refused to take shop in the prescribed place. It is submitted that the petitioner has contended in his reply that proposed place is unsuitable for petitioner's business. As matter of fact, one Hotel namely Agrawal Mishthan Bhandar is also running in front of the place, which was offered to the petitioner, therefore, it is wrongly contended by him that the proposed place is unsuitable for the shop of hotel purpose. It is not

54

possible for the Corporation to allot the shop to the petitioner where he had encroached the area, because it is the main entrance of Indira Market."

3. In view of the categorical submission made by the respondent/Corporation in its return, the matter needs no adjudication with regard to the right of the petitioner or otherwise. The petition stands disposed of with a direction that the petitioner shall be offered the shop at a place, in front of Agarwal Misthan Bhandar, as submitted by the respondent/Corporation(supra). No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Thakur